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DIPLOMATIC AFFAIRS AND INTERNATIONAL LAW, 1909¹

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The year 1909 was not characterized by great dramatic occurrences like the Boxer outbreak of 1900 or the war of 1904. Although its history abounded in most interesting situations, it was a period rather of peaceful development and readjustment than of marked advance along any particular lines. The general desire to maintain peaceful relations and to settle such differences as might still be outstanding between nations was evidenced by the large number of ceremonial visits from country to country—visits of monarchs and prime ministers, of commercial and literary deputations, and of distinguished private individuals. All the important European nations took part in this exchange of courtesies which gave occasion in each case to eloquent declarations of mutual friendship. In general, no special political importance could be attributed to such visits beyond the common desire of keeping relations in their normal, friendly condition. In certain cases, indeed, the attempt was made to attribute a special importance; as in the case of the visit of the Russian czar to Italy, which was interpreted in some quarters as an attempt to break up the Triple Alliance. Other meetings again were characterized by very unusual cordiality, such as that of the German emperor, and later of the German prime minister, with the emperor of Austria. Yet the unusually large number of such visits and the impartial manner in which they were distributed by the nations among their neighbors and associates deprived the individual visit of importance, while, on the other hand, it revealed a charac-

¹The REVIEW will publish annually in the February issue an account of the diplomatic affairs and international law of the preceding year. In the other issues of the REVIEW similar articles will summarize the year's progress in United States constitutional law, foreign constitutional law, and labor law.

teristic tendency of the age. The solidarity of international life is asserting itself more and more. Nations discover that they have lines of parallel and identical interest in common with a number of other countries, that it is impossible to confine their attention to those neighbors with whom they may be more closely allied, that in fact in some respects they may be far more intimately interdependent with nations with whom they have no direct political alliance or understanding. And thus an intricate web of world-wide interest and activities of a peaceful and progressive nature is being woven which nations find it more and more difficult to tear asunder for reasons of political hostility.

The reverse of this picture is the continued increase of armaments. It is quite paradoxical that the growth of coöperation throughout the world is accompanied by this increase in the energy and acuteness of international competition which expresses itself ultimately in national armaments. The expenditure for naval and military purposes has increased by leaps and bounds. In 1909 the total military expenditures of the five principal European countries, Japan and the United States, amounted to over sixteen hundred million dollars, and there has been an unparalleled development of warlike preparation. Yet it must be remembered that in an energetic age such as that in which we live, nations will inevitably desire to measure themselves in active competition, and that they see in their armament the index of national strength and proficiency. Such an index effectively maintained will give to nations relative position, which in itself will dispose of many possible conflicts and controversies. Instead of trusting to the uncertain chance of war, the definite calculations as to ascertained military strength may be made the basis of judgments upon which international affairs are settled. The movement is, however, in danger of becoming so costly to the individual nations as to sap their economic strength and to stunt development in other directions. It is not improbable that the danger of bringing the civilized world to the verge of bankruptcy can be prevented only by an international agreement.—The development of aerial navigation has already had an influence upon the temper of international affairs. It is felt that all our

ideas of military defense and efficiency will have to be reconstructed as this method of locomotion becomes more perfect. On account of the difficulty of effectual protection against such agencies when used with a hostile purpose, it is believed by many that they will become a powerful influence towards the creation of more peaceful relations if not of wide and permanent alliances among the different nations of a continent.

The year did not bring any modification in the grouping of nations as it has existed for some time past. While on the one hand Germany and Austria were drawn together by stronger bonds than have ever before held them, as a result of the Balkan crisis, on the other hand these two powers have reason to count less upon the active and effectual coöperation of the Italian kingdom. Bitterness between Italy and Austria over all the questions that still separate these two allies has not abated during the year. Moreover, there has been a notable strengthening of the *rapprochement* between Italy and France, as was manifested in the enthusiastic observance by these two nations of the fiftieth anniversary of the battle of Solferino. The visit of the Russian czar in Italy during October has already been alluded to. When all is said, however, it is certainly not yet to be taken for granted that in the case of an actual rupture of peaceful relations Italy would rather go with France and Russia than with Germany and Austria. While the Triple Alliance has imposed upon Italy a heavy burden, yet the international prestige she has achieved was secured to her primarily through this alliance. The efforts of the kingdom gradually to conciliate the papacy would be doomed to failure through entering upon closer relations with "churchless" France and orthodox Russia. No one, indeed, can blame Italy for developing the many relations that bind her to the French republic. But as to Russia, it would be difficult to see how Italy could gain anything in particular by tying herself to the northern empire.

The Triple Entente has continued in unabated cordiality. Wherever Russian and British interests are parallel there has been, so it would seem at least to the outside observer, frank and loyal coöperation. The Continental powers, indeed, recognize

that nothing would be gained by turning the *entente* into a more formal alliance, because in case of continental war, Great Britain in her present condition could be of very little assistance. The common fear of the possible advance of Germany holds these powers together; although the relations between Germany and France are more friendly than they have been for a long time, and in Russia there is a very strong party which opposes any policy that would permanently seek to identify Russian and British foreign policies.

ANGLO-GERMAN RELATIONS

While nothing has occurred to break the normal pacific relations between Germany and Great Britain, yet the feeling existing among the people of these two countries towards each other has been very far from friendly. In the spring of the year, a veritable panic of apprehension over German military designs came upon the people of Great Britain. In the course of the navy-estimate debates in the house of commons, most alarming statements were made with respect to the rapidity of German naval construction and the manner in which, on account of the elimination of the older type of warship, Germany was rapidly assuming a position of parity with Britain on the sea. These statements were made in an exaggerated form in order to work upon popular sentiment and render it more favorable to larger expenditure upon the navy. Yet a feeling that the British admiralty had not fully informed itself about the construction facilities at the command of the German government lent a sense of reality to what otherwise might have been, in the cool light of reason, looked upon as merely a political campaign manœuvre. In a speech delivered shortly after these discussions had taken place in England, Prince Bülow emphasized the mutual interests of the two countries. He also stated that instead of having seventeen Dreadnoughts by 1912, as had been stated in the house of commons, Germany would only have ten, and that there would be no acceleration in the rate of construction. An acceleration had, indeed, taken place in the execution of the German programme, but the cry of "deceit"

which was raised by some people in Great Britain did not carry much weight with the world, as Germany is not bound by any international engagements to a certain rate of construction, nor is she required by any law of international comity to give her competitors notice of any change in the rate with which her work may progress. On the other hand, it admits of no doubt that the remarkable increase in naval armament in Germany has led to the present state of accelerated competition. On the basis that, by 1920, the German navy will comprise thirty-eight battleships and twenty large cruisers, the French navy council in May proposed that the republic should by that year create a fleet of fifty-seven ships of the line. Of these, thirty-three are to be of the Danton class, ships of 22,500 tons, the cost of which is estimated at \$425,000,000.

As the year wore on, the excitement aroused by the discussion of naval armaments cooled down somewhat, and relations between Germany and Great Britain assumed a more normal character of at least outward friendliness. But toward the very end of the year, some conservative leaders, hard pressed for an issue with which to meet the liberal budget at the polls, in order to reinforce other arguments refurbished the German scare and introduced it into the campaign as a promising weapon against their opponents. In February, a dispute between Germany and Great Britain concerning Walfisch Bay in southwest Africa was submitted to King Alfonso of Spain for arbitration.

THE ANNEXATION OF BOSNIA AND HERZEGOVINA

The most important diplomatic activities of the year were those connected with the settlement of the Balkan dispute and more especially with the annexation of Bosnia and Herzegovina by Austria-Hungary. At the beginning of the year, the annexation of these provinces, which had been announced by Austria-Hungary in November, was still agitating the European world, and none of the powers had as yet taken definite position with respect to it. By those who opposed the action of Austria, it was charged that only a European conference could sanction

this step, as it dealt with the European situation which had been settled by the treaty of Berlin. The holding of such a conference was demanded especially by Servia and was favored by the powers of the Triple Entente. As Bulgaria had also declared her complete independence from Turkey, her future status remained to be determined. The question as to what compensation Servia and other states might be able to get as a result of the changed conditions was entirely unsettled. It however soon became plain to the powers that Servia must be discouraged in any attempt on her part to obtain territorial compensation. Austria-Hungary, not desirous of having her interests involved in the uncertainty and the devious contingencies of an international conference, had taken up direct negotiations with Turkey, and succeeded finally, on February 26, in securing a protocol with Turkey in which the following points were agreed upon: Austria-Hungary gives up all claims to Novi Bazar; Turkey submits to the decision of Austria with respect to Bosnia and Herzegovina; the Bosnians living in Turkey and the Turks living in Bosnia retain their Ottoman nationality, and may own real property in Bosnia; Mohammedans are to enjoy freedom of religious worship in Bosnia—they continue subject to the Sheik-Ul-Islam and may mention the Sultan's name in prayer; in return for public lands held in Bosnia, the sum of two and one half million Turkish pounds sterling is to be paid to the Turkish government; Austria-Hungary will within two years make a commercial treaty with Turkey, meanwhile consenting to the increase of Turkish customs duties from 11 to 15 per cent and to the creation of several new fiscal monopolies; Austria-Hungary will give up her postoffices in Turkish towns where there are no other foreign postoffices; Austria-Hungary will support Turkey in the attempt to free herself from the capitulations and to place herself entirely under the common international law.

The opposition to the action of Austria on the part of Servia and Montenegro continued in unabated vigor. These countries hoped confidently for Russian support and continued their war-like preparations. At the end of March, however, Russia suddenly gave her consent to the action of Austria-Hungary and thereby made any further opposition to annexation hopeless. The deci-

sion of Russia was due to unmistakable indications being received from Germany that Austria-Hungary would not be abandoned by her should hostilities occur over the question of annexation. Information which came out gradually in the subsequent months established the likelihood that Baron Aerenthal had been forced to decide for annexation by the precipitous action of Bulgaria in declaring its own independence. The result of these events was the annulment of article 25 of the Berlin treaty, by way of direct diplomatic action among the powers without the calling of a new conference. When this had been effected, Servia had no alternative but to adopt a pacific tone and to discontinue her military preparation.—Negotiations meanwhile went on for completing an arrangement whereby Turkey would recognize the independence of Bulgaria. The Russian government acted as mediator and it was finally arranged that Turkey was to receive a substantial payment in settlement of her claims against Bulgaria. The Porte thereupon, in August, recognized the royal title of the Bulgarian ruler. Through her good offices in this matter Russia has greatly strengthened her influences with Bulgaria. But the general result of the settlement of the Balkan crisis is found in the increased prestige of Austria and Germany. Even Servia, the country which was most directly affected by the Austrian action, showed an inclination to arrange its foreign affairs in the future upon the basis of closer relations with Austria-Hungary.

CRETE

Cretan affairs present another difficult situation in which the European powers are deeply interested. At the beginning of the year, Crete, which had been granted an autonomous form of local government, was still under the protection of the four treaty powers—Great Britain, France, Italy, and Russia—who maintained a small force of occupation in the island. As this occupancy was by previous limitation to expire in July, great concern was shown in Turkey with respect to the future of Cretan affairs. On January 15, a large mass meeting was held at Con-

stantinople which issued an emphatic protest against the alleged intention of the Greek government to undertake the annexation of Crete. The Turkish government at that time expressed its faith in the declaration of the Greek government to the effect that the solution of the question must be left in the hands of the four powers. After the turbulent days of the military revolution in Constantinople, the Porte in June again took up the Cretan question, and on June 18, formally requested the protecting powers to continue in occupation until the status of the island should have been definitely fixed. The Turkish government desired an unmistakable declaration that Crete should remain permanently subject to Turkish sovereignty. Among the Cretans there was a strong popular movement for union with Greece which was encouraged by the sentiments of the Greek people. The four powers were, however, not inclined at this time to settle the affairs of Crete beyond what had already been established in the arrangement of 1907. On July 26, the time fixed for the evacuation of Crete, the troops of the foreign powers were withdrawn, after a declaration had been issued that the powers would continue to watch over the maintenance of order and the safety of the Mohammedans in Crete. After the evacuation, the Greek flag was hoisted in many parts of Crete, whereupon the protecting powers sent an international detachment to cut down the flagstaff at Candia from which a Greek flag was flown. The Porte made a direct demand upon the government of Greece for an assurance with respect to its intentions in answer to which the latter disclaimed any complicity with the movement for annexation. In November, the Porte again requested the powers to give a definite settlement to the affairs of the island which would finally preclude annexation by Greece. The powers, however, did not comply with this request, as they did not think the time opportune for a final settlement. Meanwhile the ardor for annexation had by no means abated, either in Crete or in Greece. Great dissatisfaction was expressed in the latter country with the government, and especially the king, because of their failure to effect annexation. It was expected that King George could, through his European alliances, smooth the path for the movement. The Cretan

leaders on their part proclaimed their union with Greece and made arrangements for the election of deputies to the Greek parliament. Great unrest and frequent disorders were reported from the Macedonian border. The Greek government is through these proceedings placed in a very difficult situation. Should it refuse to accept Cretan deputies when they present themselves, a revolution in Greece could scarcely be avoided, while the reception of the deputies would certainly be considered a *casus belli* by the Turks.

The annexation party in Greece is especially indignant and disappointed because the Greek government did not take advantage of the multiform embarrassments of the Turkish empire during the past year both in connection with the internal revolution and the Balkan difficulties. The golden opportunity has passed and Turkey, under the new regime, is less inclined than ever to give up an inch of her territory or any of her sovereign rights. The change in the Turkish situation brought about by the successful revolution, has led to a complete readjustment of diplomatic relations. It was not surprising that the German government should not at first have fallen in with the aims of the revolutionary party, but when the latter had proven its strength and established itself, Baron Marshall again revealed his remarkable diplomatic gifts by the manner in which he harmonized German relations with the exigencies of the new regime. Thus while the influence of Germany is at present not so overshadowing as it was in the Hamidian days, it has by no means been eclipsed. The energetic action of Austria and Germany in the Balkan affair has not failed to make an impression in Constantinople. The representatives of Great Britain, Russia and France were not so quick in gauging the new forces. The British relied too much on Kiamil Pasha who did not command the support of the young Turks. As a matter of fact, all three of these countries eventually displaced their ambassadors by new men. The Porte, under the government of the Young Turks, is pursuing a distinctly nationalist policy, choosing its associations with other powers entirely upon the basis of well-considered Turkish interest. With a reorganization of the Turkish state, Constantinople will loom larger than ever in world-politics, and other governments will consider

their relations with the Porte of increasing moment. Before that is accomplished, however, the new leaders of Turkey will have many difficult problems to solve in their efforts to put the financial and administrative affairs of the empire upon a sound footing.

MOROCCO.

Turbulent and exciting were the days of Morocco. The main seat of trouble and hostility was transferred from the west coast to the northern region in the neighborhood of Melilla. In January, Mulai Hafid, who had made good his claim to supersede the former Sultan, was recognized by the powers. Though the latter had antagonized him as a disturber of the peace, it would seem that he is not an unpromising candidate for introduction to more civilized methods of government and administration. The international situation was cleared by a *rapprochement* between France and Germany with relation to their interests in Morocco, which finally led to a definite agreement, concluded on February 9. In this agreement, the French government expresses its intention to uphold the integrity and independence of Morocco as well as the equality of opportunity in economic enterprise, and therefore pledges itself not to oppose German commerce and economic interest in that country. The German government, on its part, declares that in Morocco it is pursuing purely economic interests, and, recognizing that the special political interests of France are closely connected with the maintenance of order and peace, is determined not to oppose these interests in any way. Both powers declare their aversion to measures which would lead to the granting of exclusive privileges, and would limit the freedom of opportunity. The conclusion of this agreement was followed by the making of arrangements between French and German capitalists for coöperation in the development of Moroccan resources and in the construction of public works.

The Casablanca incident, which had been submitted to the Hague tribunal for arbitration, was decided on May 22. The case had arisen in 1908. Several men who had served in the French foreign legion were, while accompanied by a subordinate con-

sular official of Germany, violently taken from the latter by agents of France. The court declared that while it was wrongful for the secretary of the German consulate at Casablanca to assist deserters from the French foreign legion who were not of German nationality; on the other hand, the circumstances did not warrant, on the part of the French soldiers, the use of threats and of violence. Upon mutual apologies, this incident, which might have led to continued irritation between the two countries, was happily disposed of.

New troubles arose in Morocco in July when a Spanish garrison which had been stationed to protect mines located near Melilla was attacked by Moorish tribesmen. The concession in question had been granted by the Roghi, whose authority was not recognized by Mulai Hafid. The Spanish government increased its forces in Morocco in order to maintain its ground and vindicate the honor of the Spanish flag. Severe fighting continued for some time, in which several hundred Spanish soldiers and many more Moorish tribesmen were killed. The action of the Spanish government was not popular at home, and in many of the Spanish towns anti-conscription riots took place. Yet the government adhered to its purpose to get satisfaction for the original outrage, and to secure an effective guarantee of the treaties for the development of the Spanish interests in Morocco. For a time it was believed that friction might arise with France, but the French government declared that Spain was keeping it fully informed as to the steps taken. The powers were meanwhile expostulating with the Sultan with a view of securing a better observance of various international agreements formerly concluded and also of preventing the recurrence of barbarous punishments so common among the Moors.

Towards the end of the year, Spain had succeeded in reestablishing peace and order in her sphere of influence so that further active operations were suspended. The Sultan had been carrying on negotiations for a loan of £6,000,000, and in December arrangements had practically been concluded for granting this loan in the European money centers. The French government, after considerable pressure, succeeded in establishing all its claims against

Morocco and in having them definitely agreed to by the sultan. French troops are to remain in the region of Shauja and Ujda until the claims of France have been entirely complied with. Casablanca is to be occupied until the costs of the French expedition are paid. France has obtained the creation of a Moroccan-French commission for Ujda, which is to supervise the police, the markets, and other branches of local administration. In order to provide for the prompt discharge of the various obligations of the Moroccan government, practically all the public income has been placed under French control, and thus, in substance, Morocco has become a fiscal protectorate.

PERSIA

Many storm clouds passed over Persia in the course of the year 1909. During the earlier months, uprisings continually took place against the shah, whom the constitutional party considered hostile to government reform. On account of the widespread unrest, Russian troops were brought into northern Persia in order to protect Russian interests there. This naturally resulted in a great deal of apprehension among Persians that under the treaty with Great Britain, Russia would attempt to take possession of northern Persia as a protectorate. Great Britain too had landed marine troops at Bushire, which proceeded thence to Shiraz. Across the Turkish border came troops of the sultan sent to prevent the spread of disorder into Turkish dominions. In July, the position of the Shah became untenable. He was formally deposed and took refuge in the Russian legation. The diplomatic representatives of Russia and Great Britain arranged for his departure with his family, for the payment of a pension, and for the retention of his title. The shah's son Ahmed Mirza, a boy of twelve years, succeeded to the throne. Throughout this troubled period, Russia and Great Britain kept each other mutually informed and coöperated in such arrangements as the circumstances rendered necessary. The Mejliiss was opened on November 14th, with a speech from the throne in which the general condition of the country was pictured as happy and prosperous, with nothing

to mar it but the presence of foreign troops on Persian soil. The parliament was bountiful in nationalist professions, directed especially against the policy of asking a loan of the powers. Renewed increase of Russian troops in the north augmented the suspicion against the Slav empire. A Russian consul-general was attacked at Bushire by Kashgars, for which act due apology had to be made by the government. In December, Russia promised a partial withdrawal of her troops. Being hard pressed, the parliament approved a foreign loan and also sanctioned the employment of Europeans in the finance department. A preliminary loan of £500,000 was arranged for through Russia. A mixed commission was instituted for the settlement of the boundary dispute with Turkey.

SIAM

In March Great Britain concluded a treaty with Siam, under which a number of pending political questions between the two countries were settled, including the rectification of the boundary. The most important provision of the treaty is the partial discontinuance of extra-territorial privileges. British subjects registered before the date of the treaty are still to remain under the jurisdiction of the international courts, but those who shall come to Siam subsequently are to be subject to the native judiciary, with the provision, however, that, in the cases involving the rights of British subjects, a British assessor shall sit with the court. It is also provided that British residents shall be liable to the ordinary burdens of taxation. In pursuance of the treaty, in July, the three Malay states of Kelantan, Tringganu, and Kedah were formally taken over by the representatives of Great Britain.

THE FAR EAST—CHINA

The Chinese empire concerned itself primarily with the adjustment of its own internal affairs. The new régime under the Prince Regent began its administration with numerous declarations favoring a progressive policy. The development of institutions of self-government proceeded; elections were held for the

provincial assemblies, and, for the first time in the history of China, elective assemblies met for the discussion of public affairs. The central administration was, however, weakened through the loss of several of the ablest men in the official life. The former viceroys, Yuan Shih-kai, Tsen Chun-hsuan, and Tuan Fang, are in enforced retirement, the place of the latter having been taken by Chen Kwei-lung, a man of less experience and ability. The most prominent and able of the conservatives, Chang Chih Tung and Sun Chia-nai, have lately died. Two other strong officials, Chao Erh-hsun, stationed in Szechuan, and his brother Chao Erh-feng, stationed in Thibet, are reported as being out of touch with the central government and endeavoring to resign. Thus the lack of high officials of proved ability and long experience is conspicuous. Prince Ching, who is at the head of the Wai Wu-pu, has been carrying on the management of foreign affairs in a somewhat listless fashion and has not succeeded in inspiring Chinese diplomacy with energy and self-confidence. The position and influence of the foreign powers at the Chinese capital did not change during the year, except that the influence of the United States was more strongly asserted. The American government occupies a very favorable position. Having no territorial interest in China, it has a freer hand than other powers and is not subject to the suspicion of desiring to extend its holdings. Its traditionally friendly policy toward China, its support of the Chinese government with respect to the opium question, and especially its remission of a part of the Chinese indemnity of 1900, have given it a strong claim to be regarded as truly impartial in Chinese affairs and well disposed toward Chinese aspirations. The personal acquaintance of President Taft with oriental conditions led him to take a special interest in the affairs of China and to express a desire that the people of the United States should become fully aware of the importance to themselves of far eastern affairs. The American government has preserved unchanged its policy, first laid down in Mr. Hay's famous letter, of supporting the principle of equality of opportunity and of respect for the integrity of the Chinese empire. In the course of the year, an occasion arose for asserting more specifically the desire to have American enterprise

participate in Chinese development. By a preliminary agreement concluded on May 6, the British, German and French financial groups interested in China, arranged with the Chinese government for the development of the railways in the south and west of the empire. The British withdrew their claim to share in the construction of the Hankow-Szechuan Railway, while the Germans declared themselves willing to forego participation in the Canton-Hankow line. A loan of £5,500,000 was arranged for. It was to be furnished equally by the three parties and the proceeds were to be divided between the two railways. It may be noted here that the attitude of intense opposition to foreign concessions manifested by the Chinese people still prevails. Such general concessions as were made before 1900 would no longer be tolerated without great public opposition. But, on the other hand, China does not as yet possess the financial and industrial organization that would enable her to get along entirely without foreign assistance in these matters. For this reason, special agreements are concluded with foreign interests under which the latter furnish financial assistance, structural materials, and the expert knowledge required in construction and management.

When the nature of the above arrangements between European financiers and China became known, President Taft sent a telegram to the Prince Regent in which he emphasized the right of American capital to participate in railway loans. The Chinese official world was stirred by this action into realizing that the policy of drift in international affairs could not be allowed to continue, and that China must take an independent position, not allowing herself to be dominated by any power or group of powers, but basing her action upon general principles of justice and national policy. The decisive action taken by the president led to a re-adjustment of the railway arrangement. The loan was increased to £6,000,000, of which each of the groups interested was allotted one-fourth. The American capitalists share on an equal basis with those of the other nations. In his message of December 7, 1909, President Taft stated, in explaining this action, that, as the railway loan represented a practical and real application of the "open door" policy through coöperation with China

by interested powers, as well as because of its relations to the reforms in the currency, the customs tariff, and the *likin* revenues, the administration deemed American participation to be of great national interest both in the matter of the loan and in the furnishing of railway materials.

THE MANCHURIAN CONTROVERSY

The rights acquired by Japan through Russia under the treaty of Portsmouth have given rise to long continued diplomatic controversy between China and Japan. In connection with the South Manchurian Railway, Japan obtained an administrative foothold in Manchuria. In all the important commercial towns along the railway, large settlements were created which were placed under Japanese administration and police. Colonization was systematically carried on in agricultural districts and in the region of the mines. In connection with this, Japanese commerce was given every advantage which the administration could secure for it without direct infringement of treaty obligations. These vigorous efforts of Japan to extend her influence in Manchuria caused great apprehension on the part of China; that government attempted to strengthen the local administration and fostered colonization of the interior of Manchuria by Chinese from the middle provinces. The controversy between the two governments centered upon certain points: railway construction, mining development and territorial rights. Japan desired to rebuild the narrow gauge line which connects Antung on the Korean frontier with the Manchurian Railway at Mukden. Under the treaty of Portsmouth, Japan was given two years to improve this railway. As the period had expired, China refused to grant her consent to a reconstruction out of fear that the railway would be primarily strategic in its purpose as the country through which it passes is poor. Japan on the other hand, insisted that it was necessary to broaden the gauge and change the trace of the railway, as otherwise it would not be useful for international commerce, especially as it is to form a link in the transcontinental railway from Korea to Siberia and Russia. As the Chinese government delayed in

giving its sanction to the changes, Japan gave notice that the work would be carried on without Chinese consent. It was claimed on behalf of the Japanese position that China had engaged in unreasonable obstruction and procrastination and that to accept the position of China would be utterly to destroy the value of the railway. The Chinese government thereupon immediately waived its objections to the widening of the gauge and the necessary changes of route, but still insisted that the railway should not be policed by Japanese troops.

The other points of controversy between China and Japan were still unsettled. Several times the Wai Wu-pu had suggested that they should be submitted to the Hague tribunal for arbitration, but Japan refused to accede to this suggestion on the ground that the resources of diplomacy had not yet been exhausted. Other powers who were appealed to by China to support her in this demand did not feel justified in interfering. The questions between China and Japan were grouped about three main interests. China desired to extend toward the north her own railways and was especially anxious to construct a line from Hsin-min-tun to Fa-ku-men. Japan opposed this plan because the line would to a certain extent run parallel to the South Manchurian Railway and would thus be a competing line, the existence of which had been excluded by the Portsmouth treaty. The Chinese also desired to connect their railway directly with Mukden. The second point of controversy related to the control of the coal mines that are appurtenant to the railway ceded by Russia. Finally there was a territorial dispute concerning Chientao, a district adjoining the northern boundary of Korea. Japan, in behalf of Korea, made a claim to this territory and argued that it was illegally occupied by China; but even if she were to recognize Chinese sovereignty, Japan asserted her right of jurisdiction over the Korean inhabitants. China denied both claims on the ground that Chientao had always been Chinese territory and that the Koreans residents there had received a right to occupy land only upon surrendering their nationality. After long and arduous negotiations, these matters were finally adjusted in two conventions between China and Japan, signed at Peking on September 4. In the Manchurian

convention, the Chinese government for the time being gave up the idea of constructing the Fa-ku-men Railway. The collieries of Fu-shun and Gen-tai are acknowledged to belong to the Japanese government, but a tax upon the product is to be paid to China equal to the lowest tax levied in any part of China. Collieries adjoining the Antung-Mukden Railway, and the southern Manchurian Railway, with the exception of those mentioned, shall be exploited jointly by Japanese and Chinese subjects according to the principles agreed upon in 1907. The Japanese government withdraws its objection to the extension of the Peking Railway to the city walls of Mukden.—In the Korean convention, Chinese sovereignty over Chientao is recognized. It is provided that four towns are to be opened as treaty ports for the residence of foreigners. Koreans residing outside of these towns are to be subjects to Chinese jurisdiction, but Japanese consular officials are given the right to be present at trials of Koreans. The building by China of a railway from Kirin to the Korean boundary is provided for.

These conventions seem to contain such a complete adjustment of the differences between China and Japan that many foreign papers assumed that a thorough understanding had been arrived at between the two governments and that they would co-operate in other matters in the future. However, the reception given to the convention in China was not enthusiastic. Many Chinese papers went so far as to describe the convention as a permanent cession of Manchuria to the Japanese. This is certainly an exaggerated view. The Japanese, notwithstanding their strong military position, have dealt with China in the spirit of give-and-take; and although they have maintained the main lines of their influence in Manchuria, China has gained a distinct advantage through the recognition of her disputed rights in Eastern Manchuria and in other details of the convention. The manner in which this convention affects other nations is thus dealt with by President Taft in his message of December 7: "After a thorough examination of the convention, the secretary of state reached the conclusion that no monopoly of mining privileges along the South Manchurian railroads was intended or accom-

plished. To confirm the view which he reached, this government made inquiry of the Imperial Chinese and Japanese governments, and received from each official assurances that the provision had no purpose inconsistent with the policy of equality of opportunity."—In January, a convention was concluded between China and Japan by which the Manchurian telegraphs outside of the railway zone are transferred to China. The use of the Gregorian calendar and of the English language is stipulated for all administrative communications.—On account of the prominence of the difficulties between Japan and China, the relations of Russia to that latter country have not attracted so much attention. Still, negotiations have been going on continuously with a view to settle the jurisdiction to be exercised by Russian authorities along the North Manchurian Railway. The Chinese government resists any claim for exclusive jurisdiction, in which position it is supported by other powers. The Russian finance department, which represents the railway, is pressing for special powers to be exercised by the railway officials; whereas the foreign office, were it left to determine the matter alone, would perhaps be satisfied with the exercise of a general consular jurisdiction. A preliminary agreement between the governments was arrived at in May.

On March, 28 an imperial rescript decreed a new law of citizenship for China. The law contains provisions with respect to citizenship by birth and by naturalization. The latter requires residence of ten years, the possession of good character, and of means of support. A Chinese subject cannot divest himself of his citizenship without having secured the permission of the government.—The Chinese government has objected to the use of wireless telegraphy by private persons or corporations. It looks upon wireless telegraphy as being among the public regalia of the State.

KOREA

The situation in Korea continues full of difficulty for the Japanese government. A great many works of improvement have been constructed, and the financial administration of the country has been put on a sound basis. Yet the relations of the Korean public to their new masters still leaves very much to be

desired, and it must be confessed that the intention of Japan to enforce her authority upon the Koreans is meeting with a determined and unabated resistance which bodes trouble in the future of the far east. At the present time, of course, the Koreans cannot hope for support by foreign powers, but should the Japanese government not succeed in pacifying the country and gaining the good will of its inhabitants, the situation will be one of continued weakness to Japan, which eventually some opponent might take advantage of. In August, the direct control of the Japanese government over Korea was further extended through the abolition of the Korean department of justice and its replacement by a bureau in the Japanese residency-general. Korean law is still to be administered, but Japanese will act as judges until Korean candidates can be better educated in the law. Japan desires as soon as possible to have the consular jurisdiction which foreign nations still exercise in Korea, displaced by a system of judicial autonomy administered by herself. At the same time, the war department of Korea was also abolished. As the Korean army was disbanded in 1907, the department had become superfluous. These changes, while in line with the policy of Japan of giving greater efficiency to the Korean administration led to a new outbreak of popular anti-Japanese feeling among the Koreans. This wave of Korean patriotism led to some deplorable acts. Most distressing both to Japan and the rest of the world was the assassination of Prince Ito, the greatest statesman of modern Japan, who had devoted his last years almost entirely to Korean affairs. In December, the Korean Premier, Yi Wan Yon, was mortally wounded by an assassin. The responsible Japanese press and public exercised great self-control at the time of Prince Ito's murder and did not hold the Korean people responsible for the act, nor did they call for more restrictive measures. As a result of the removal of Prince Ito from the theatre of Japanese political life, the conservative elements under the leadership of Marquis Yamagata gained largely in influence in the counsels of the empire.

FOREIGN RELATIONS OF THE UNITED STATES

A most important treaty between the United States and Great Britain was signed on January 11, by Mr. Root and Mr. Bryce. It deals with the division and control of the waterways along the entire boundary between Canada and the United States. The interests involved are therefore of great and increasing moment to both the countries concerned. Among other things the control of the Niagara water power was provided for, which has for years been under consideration between the governments of Washington and Ottawa. The treaty also covers the problems concerned with the navigation and fisheries of the Great Lakes and frontier rivers, as well as the use of these waters for various industrial purposes. A permanent joint commission of six members is provided for. The three British members are to be appointed by the king upon recommendation of the Canadian government. The international joint commission is created for the purpose of settling differences that may arise in the future. In such cases, the commission is to make a thorough investigation and thereupon to submit its conclusions and recommendations to the two governments. Its findings are not to have the character of an award unless the commission has been specially charged to render a decision of that nature. Should the commission not be able to reach an agreement upon any question, the matter is to be submitted to the Hague tribunal. The treaty was ratified by the United States senate with certain amendments relating to the St. Mary's River, Michigan, and to the drainage of swamp lands into streams flowing into boundary waters. These amendments were made the occasion on the part of Canada for requesting a postponement in ratification by the British government. On account of this delay, the treaty was not ratified during the year 1909.

Another important agreement was made between Great Britain and the United States for the submission to arbitration of questions relating to fisheries on the North Atlantic Coast. Article 1 of the convention of 1818, by which these fishery rights are defined, has been subject to a great deal of controversy in its interpretation. The agreement of January 27, 1909, provides

that certain specific questions are to be submitted for decision to a tribunal of arbitration. These questions concern, among other things, the power of the local governments to regulate by municipal laws or ordinances the operations of fishermen; the existence of this power the United States has not been willing to grant. Other matters submitted are the composition of the fishing crews, the payment of light and harbor dues, the obligation to report at customs houses, and the question as to the proper extent of the marginal sea. The tribunal of arbitration is chosen under the Hague convention and will hold its sessions and make its determinations in 1910. The preliminary agreement was ratified by the senate on February 18, 1909. The fisheries case constitutes the most important litigation as yet submitted to the Hague tribunal.

On January 11, 1909, Secretary Root transmitted to the minister of Belgium a note concerning the state of affairs in the Belgian Congo. He declared that "the United States has been forced to the conclusion that in several respects the system inaugurated by the Independent State of the Congo has in its practical operations worked out results inconsistent with the conventional obligations (under the Brussels convention of July 2nd, 1890, especially article II), calling for very substantial and even radical changes in order to obtain conformity therewith." He points out the various methods of governmental action in the Congo which have lead to results inconsistent with the treaty rights and expresses the hope that the conventional rights conferred on the United States by the treaty will be respected and enforced by Belgium in its character as sovereign of the Congo State. The steps taken by the government of Belgium to improve the state of affairs in the Congo region have been gratifying to the United States. In his message of December 7, President Taft said:

"The attitude of the United States is one of benevolent encouragement coupled with a trust that the good work responsibly undertaken. . . . will soon satisfy the demands of humane sentiment throughout the world."

A treaty between the United States and Germany was signed on February 23 for the mutual protection of patent rights. In

January the postal letter rate of two cents per ounce had gone into effect between Germany and the United States. In the same month, a new extradition treaty between the United States and France was signed. The general relations between the United States and these two powers were most friendly; but when after the passage of the tariff law in July, it became necessary for the American government to denounce its commercial arrangements with Germany and France, the question arose as to what form the future commercial relations between these countries would assume. Although there was continuous negotiation between the governments involved, a basis for action was not arrived at in the course of the year, although the time at their disposal for making such arrangements was but short since the limit for the expiration of the present status is February 7, 1910. As the United States government demands the abandonment of the exclusion laws against American meats, the German government may be obliged to resist the agrarian party, which clings to these laws with great tenacity. Should no arrangements be arrived at by February 7, the maximum rates in France and Germany will go into effect against the United States, while in the latter country maximum rates under the new tariff law would also be imposed.

An interesting decision was rendered by the supreme court of the United States in the case of *Maiorano v. the Baltimore and Ohio Railroad Company*, which concerns the treaty rights of aliens in the United States. The supreme court upholds the decisions of the supreme court of Pennsylvania, according to which an alien is not in that state accorded the right to bring an action to recover damages for the death of a relative occasioned by unlawful violence or negligence. The court holds that while an alien resident is given the same protection and security which the laws accord our own people, non-resident alien relatives are not given a right of action for damages for the death of an alien residing in the United States.

While the relations of the United States and Japan have been friendly throughout, there was at the beginning of the year some danger that friction might occur on account of legislative proposals introduced in the states of California, Nevada, Nebraska

and Oregon. Among the bills introduced in the California legislature, there were measures providing for the segregation of Asiatic residents in the larger cities, separate schools, and the withdrawal from Asiatics of the right to acquire real property and to act as directors of corporations. President Roosevelt made a personal appeal against the form and substance of this legislation and the temper of which it was an expression. He took the ground that by treaty the Japanese are entitled to be protected against discrimination and indicated that the legality of any laws passed by the state legislatures would immediately be tested in the federal judiciary. As none of the objectionable bills were passed, the relations between Japan and the United States remained unclouded.

The United States government continued to interest itself in the affairs of the far east. When the Chinese railway loan for the Szechuan line was arranged for, the United States government, as has been indicated, insisted upon American financiers being admitted to a share in this undertaking. The development of the situation in Manchuria was closely followed at Washington, and the basis was prepared for the highly important suggestion which was made by Secretary Knox in the first week of January, 1910, looking towards the purchase and neutralization of the Manchurian railways.

At the beginning of the year, a delegation of the United States government took part in the First Pan-American Scientific Congress, held at Santiago, Chile. This congress marked a further step in the growth of a feeling of solidarity, coöperation and mutual sympathy between North and South America. In matters of international law, the congress devoted its attention chiefly to those problems and principles which have a special bearing upon the countries of the new world. The Pan-American movement continued to progress in other ways during the year. Ratifications of the various treaties made at Mexico in 1902 and at Rio in 1906 continued to be made, so that by this time the treaty relations resting upon Pan-American arrangements already occupy a considerable part in American international affairs. Pan-American commissions had been appointed in nearly all the American republics. Their action and coöperation tended to give

greater vitality to the movement. In preparation for the fourth Pan-American conference, to be held at Buenos Aires in July, 1910, the governing board of the International Bureau of American Republics worked out a tentative programme for the deliberations of the conference. It deals with the further development of the matters already undertaken by past conferences and adds other subjects of discussion, such as questions of immigration, neutrality, conservation of resources, wireless telegraphy, and conservation of the food supply. Early in the year, the United States concluded general arbitration treaties with twelve of the Latin-American states. These treaties provide for the arbitration of differences of a legal nature or relating to the interpretation of treaties, provided that they do not affect the vital interests, the independence, or the honor of the contracting states.

At the beginning of the year, Venezuela, under its new government, was making an effort to enter into more normal and friendly relations with the various powers with whom controversies had existed in the recent past. The United States government sent Mr. W. I. Buchanan as its special representative to adjust the many claims pending with Venezuela. After a period of negotiation, a protocol was agreed upon on February 13th, under which three claims are to be submitted to the Hague tribunal for arbitration, while others were settled immediately for a cash payment. In the course of the year, some other pending claims were also adjusted. The United States government being interested in the maintenance of stable and peaceful conditions in Venezuela, assisted the Venezuelan government in preventing the return to that country of ex-President Castro. Great Britain, France, and the other powers having sovereignty over West Indian Islands, were prevailed upon to announce that they would not allow the ex-dictator to stop in any of their West Indian possessions. When General Castro attempted to return directly to Venezuela, he was not allowed to land by the Venezuelan government, and upon making an attempt to stop at Martinique, was summarily expelled by the French authorities. In this manner it was possible to prevent the further stirring up of trouble and revolution in Venezuela.

A treaty between the United States and the Republic of Colombia was signed in January, and the senate of the United States advised its ratification. At the same time, a treaty was signed between Colombia and Panama, in which the independence of the latter was recognized by the mother republic. The treaty with the United States provided, among other things, that the Republic of Colombia should enjoy the liberty of transporting over the Panama Canal, warships, military materials, mails, and public property without the payment of any dues. In view of an adjustment made with Panama, the United States agreed to pay Colombia the sum of \$2,500,000. Moreover, the revision and reinforcement of the treaty of navigation and commerce of 1846 was provided for. When this treaty was submitted to the national assembly of Colombia, the request was made of the government that its consideration might be postponed in order that the people might more fully inform themselves upon the bearing and significance of its articles. The final ratification of the treaty has thus been delayed. The change in the government of Colombia also contributed to this result. General Reyes, under whose auspices the treaty had been concluded, resigned the presidency and was succeeded by General Valencia.

The perennial trouble in the Central America republics caused the United States to take a somewhat more direct and active interest in some of these countries, with a view to bringing about a settlement of their affairs and aiding in the creation of more stable conditions. American financial interests came forward with proposals for refunding the debts of various Central American states upon a basis just to both the governments and the creditors. Thus in the case of Honduras, interest on whose debts has not been paid since 1873, a proposal was made to the National Association of French bondholders to refund the debt on the basis of 15 per cent of its face value. Similar arrangements were proposed in Guatemala, Nicaragua, and Costa Rica. The affairs of Nicaragua have especially attracted the attention of the American government during this year. In March, a controversy arose over the cancellation of certain concessions and the refusal on the part of the Nicaraguan government to carry out the arrange-

ments for arbitration made in 1907. At that time, Nicaragua was on the point of going to war with Guatemala in connection with the troubles over Honduras and the litigation in the Central American peace court. The United States and Mexico coöperated in this matter for the purpose of preventing war. In May, as unrest continued in Nicaragua and rioting was frequent, a United States cruiser was sent to protect American interests in that country. In the same month, Nicaragua sent a special commissioner to Washington to settle the disputed claim of the Emery Company. It was finally agreed that the company was to receive an indemnity of \$600,000. In November, two American citizens, adventurers who had for some time lived in Central America, were executed by the government of Nicaragua on the ground of having been engaged in an enterprise to blow up some government troop transports on a Nicaraguan river. The department of state took the ground that this execution was illegal, and demanded the punishment of whoever might be responsible therefor. On account of the general behavior of the President of Nicaragua towards American representatives, the American government broke off direct relations with him early in December. A revolution was at the time raging in Nicaragua. The secretary of state, in his letter breaking off diplomatic relations, expressed the belief that this revolution represented the better aspirations of the Nicaraguan people, but he did not go beyond asserting the need for a stable government in Nicaragua and expressing determination to protect American interests there. President Zelaya thereupon resigned the active execution of his office and escaped to Mexico. He was succeeded in office by Dr. Madriz, a member of the Central American Tribunal of Arbitration, who was not acceptable to the revolutionary party.

In November the United States government made a categorical demand upon the government of Chile for the settlement of the Alsop claim. The American government signified its readiness to refer the claim to the Hague tribunal, provided that the decision in favor of Chile given by the Washington arbitration tribunal in 1900 should not be referred to. This decision rested upon the fact that Alsop and Company were a Chilian firm, domiciled in that

country. As an alternative to arbitration, the United States demanded the payment of \$1,000,000. The Chilean government immediately deposited this amount to the order of the Hague tribunal but insisted upon a full argument of the case. As a result of further negotiations, a different arrangement was made by which the Alsop claim was referred to the king of great Britain for settlement. Both parties will present their respective case in a note to his majesty.

LATIN-AMERICAN STATES

The relations between the Latin-American republics were in general friendly and peaceful, although several occasions for friction arose in the course of the year. The grouping of states in their international relations was not materially affected by anything that happened during the year. From this it results that in considering South American diplomacy, the effects of the war between Peru and Chile are still of prime importance. We shall, however, in this review consider the different states rather in their geographical relations than from the point of view of grouping according to diplomatic affinities.

The situation in the Central American states has not perceptibly been changed for the better, as jealousy between the different republics and covert hostility still continue. On January 1, the first international Central American conference began its sessions at Tegucigalpa. Under the treaty of Washington, of 1907, this conference is to be held annually, meeting in rotation in the different republics. The present conference signed conventions for the purpose of unifying the monetary system, the customs laws, weights and measures, the fiscal laws, and the consular service of the Central American countries. These conventions were signed *ad referendum* to be submitted to the separate governments for ratification. The Central American court of justice, on the ground of want of jurisdiction, dismissed the case of Fornos Diaz v. Guatemala, the second case which has come before this court. The plaintiff in this litigation alleged unlawful imprisonment on the part of the government of Guatemala.

As a result of the change in the Venezuelan régime, diplomatic relations were resumed between that country and Colombia. They had been broken off since the beginning of the government of President Castro. On June 2, a preliminary treaty was signed which provided for a rectification of the boundary between Colombia and Venezuela, and for the cession of a strip of territory on the Orinoco, Trinidad, and Negro rivers to Venezuela.

The relations between Peru and Chile unfortunately did not improve during the year 1909. At the beginning of the year, the minister of Chile withdrew from Lima as a consequence of the refusal on the part of the Peruvian government to permit him to deposit a bronze wreath upon the graves of Peruvian soldiers that had fallen in the war with Chile. In response to the inquiry on the part of the Chilian minister whether it would be acceptable to the Peruvian government that he should perform this act of homage, the Peruvian minister of foreign affairs made answer that while he appreciated the courtesy, he did not consider that the relations between the two countries were such as to render a ceremony of that kind appropriate. In connection herewith, he rehearsed the Peruvian contentions in the Tacna and Arica matter. The status of that unfortunate question has not changed since the refusal of Peru to accept the proposal made in March, 1908, by Señor Puga Borne, the Chilian minister of foreign affairs. The Chilian government as that time proposed the conclusion of commercial treaties of reciprocity as well as agreements for the common construction of railways and for other means of industrial development. The plebiscite which was provided for by the treaty of Ancon, 1883, Chile was to supervise; all present electors of the two provinces should participate in it; and the electoral commissions should be composed of Chilians with members of other resident nationalities as assessors. Chile also proposed to raise the amount of indemnity to be paid to the country which as a result of the vote would lose Tacna and Arica, to the amount of £2,000,000 or £3,000,000. The amount provided for by the treaty in £1,000,000. In opposition to these proposals, the government of Peru maintains that in the plebiscite only persons born and resident in Tacna and Arica should be

permitted to vote, and that the election should be supervised by a neutral power. At the time of the incident of the wreath (*corona*), it was feared that war might result, because it was thought that Chile, becoming impatient, might declare the annexation of the two provinces, and determine upon using force against any attempt on the part of Peru to recover them. The Chilian nation is, however, very anxious for commercial and other reasons to settle this matter peacefully, though the government of Peru is determined to insist upon what it considers its rights under the treaty of Ancon. Of late it has been asserted in behalf of the Chilian government that the clause relating to the provinces of Tacna and Arica was adopted solely for the purpose of saving the feelings of the Peruvians at the time, and, in the anarchical conditions then prevailing in Peru, to make possible the establishment of a recognized political authority by which the treaty of peace might be accepted and ratified. It has also been urged that plebiscites in cases of international cession have always been regarded as pure formalities. The territory involved in this controversy is not in itself of great value; the rich nitrate deposits lie in the two provinces to the south; but as long as Chile lacks a longitudinal railway connecting the nitrate region with the national capital, the provinces of Tacna and Arica have a certain strategical value.

Peru was involved in another international conflict with her neighbor, the republic of Bolivia. Under a treaty made in 1902, the determination of a disputed part of the boundary between Bolivia and Peru was submitted to the decision of the president of Argentina. After the matter had been fully argued, the arbitrator, in July, made a decision establishing a boundary which was to follow the Rio Heath and the Madre de Dios as far as the mouth of the Toromanos river, thence to proceed in a straight line as far as the intersection of the Tahamanu with the sixtieth meridian west of Greenwich, and thence north along the said meridian until the territory of another power is reached. When the decision was announced in Bolivia, great public excitement was aroused. The decision was characterized as being entirely too partial to Peru and mass meeting of Bolivians called

upon their government to refuse its sanction to the treaty. They went further and made violent attacks upon the Argentinian and Peruvian legations as well as upon citizens of those republics. These demonstrations led to great ill-feeling on the part of Argentina, and made the withdrawal of the Argentinian legation necessary. The Bolivian government, however, restored order and made ample apologies. Yet it did not accept the arbitral sentence, but entered into a special agreement with Peru for fixing the boundary by direct negotiation. While the boundary as determined upon by the president of Argentina had divided the disputed territory into two fairly equal parts, it had nevertheless awarded to Peru certain regions which had been, from immemorial times, occupied by Bolivia. On the other hand, regions where Peruvian settlement had long existed were given to the Bolivian republic. The basis of the final agreement was of such a nature that such transfers of occupied territory were avoided. The boundary line as now determined follows the Lanza river, then passes along the Heath to its intersection with the Madre de Dios, thence in a straight line to the fortress of Illampu, and thence north along $69^{\circ} 35'$ west of Greenwich. The original excitement on the part of the Bolivian people was greatly increased by the fact that the maps in common use in Bolivia are drawn on the bases of the meridian of Paris instead of that of Greenwich. Read in that sense, the decision of the president of Argentina would have taken from Bolivia a broad strip of territory which had long been in the acknowledged occupation of that country. When this curious popular mistake was discovered, the excitement somewhat abated, but even then the decision was not entirely acceptable. Because of the action of Bolivia in rejecting his decision, the president of Argentina refused to act as arbiter in the boundary dispute between Bolivia and Paraguay, which had also been submitted to his decision by treaty.—In May, during an attempted uprising against the government in Lima, a number of the insurgents took refuge in the house of the Swedish consul-general. In order to manifest its disapproval of this grant of asylum, the Peruvian government cancelled the exequatur of the consular official.

General arbitration treaties having been concluded between Brazil and Argentina and between Argentina and Chile, the relations between there countries assumed an aspect of greater friendliness during 1909. The year began with the memories of the "Dispatch Number Nine" still vivid in the minds of South Americans. But while this incident had caused temporary irritation between Brazil and Argentina, it did not lead to any permanent alienation of mutual good-will. A certain rivalry between these three great states of South America is, of course, inevitable. Possible sources of irritation, the existence of which cannot be denied, are from time to time made the basis of a demand for larger armaments, and the press is kept busy with reports of diplomatic intrigues. Yet it would be difficult to discover any fundamental and serious conflict of interests between these countries. While the Bolivian controversy was in an acute stage, it was feared that war might come about between Argentina and Bolivia, and it was believed that, in such an event, either Chile or Brazil would support the latter country. The Bolivian representative in Chile sent out reports according to which the Chilian government was alleged to have committed itself to the support of Bolivia; but when the Chilian minister of foreign affairs demanded specific information, the Bolivian envoy could not produce anything but irresponsible expressions made by members of the parties of opposition. As a result of his behavior, his dismissal was called for by the Chilian government. Brazil acted as a peacemaker between Bolivia and Peru, and as a result was able to secure a treaty by which her own boundary with Peru has finally been settled. In this manner, two sources of unrest and possible complication in South America have been gotten rid of—the boundary question between Peru on the one hand and Bolivia and Brazil on the other. Brazil, in March, also concluded a treaty with Colombia, by which commerce and navigation on the river system common to both these countries is regulated. On November 5, a treaty was concluded between Brazil and Peru, for the settlement by arbitration of questions between the two republics. On November 6, Brazil and Uruguay agreed upon a treaty defining their boundary line in so far as it affects the Lag-

una Mirin and the Yaguaron river. The establishment of a Japanese legation in Chile bears witness to the growth of direct relations between South America and the far east.

INTERNATIONAL LAW—THE DECLARATION OF LONDON

The naval conference of London accomplished a work which will stand as one of the great landmarks in international progress and which, indeed, constitutes a new departure in international life. A code of international law relating to the rights and duties of belligerents with respect to neutral commerce was accepted as a body of world-law to be interpreted and applied by a standing international tribunal. This conference was called as a result of the adoption by the second Hague conference in 1907 of a plan for an international court of appeals in prize cases. As the interpretation of the principles of international law which this court would have to apply had been notoriously discordant and conflicting, it was thought advisable that a conference of the leading naval powers should be summoned for the purpose of arriving at a more harmonious and consistent formulation of the rules involved. Upon invitation of Great Britain, the conference met on December 2, 1908, and continued in session until February 26, 1909. The following governments were represented: Great Britain, Germany, France, Austro-Hungary, Italy, and Russia, The United States, Japan, Spain and The Netherlands. The programme submitted by the British government included the following matters: contraband, blockade; the doctrine of continuous voyages; the destruction of neutral prizes; unneutral services and hostile assistance; the transformation of merchantmen into war-vessels on the high seas; the question of nationality or domicile as determining the character of enemy property.

The most valuable and important work of the conference was done in connection with the law of contraband and blockade. The vexed question of the classification of contraband was settled by dividing material objects into four classes—those which are conditionally contraband; those which shall never be considered contraband; and those which may be made contraband by special

declaration. The problem of the doctrine of continuous voyage was settled by deciding that the principle by which the entire traject of the contraband articles is taken as one continuous route shall apply only to articles which are absolutely contraband. To articles conditionally contraband, the doctrine of continuous voyage does not apply, except in cases in which the enemy country does not have a maritime frontier. With respect to the law of blockade, the principle of the declaration of Paris was reiterated and strengthened. Notice of blockades is required and it is provided that the seizure of vessels for violation of a blockade can only be effected within the radius of action of the war-vessels charged with making the blockade effective. The adequateness of the blockade is to be strictly judged of by the court. It was not possible to arrive at any agreement upon the question of nationality and domicile as determining the enemy character of property. Nor was the question of the legality of the transformation of merchantmen upon the high seas settled by the conference.

The results of the conference assure a far greater definiteness of the rights of neutrals. The belligerent still retains the power to protect himself fully against efforts to supply his opponent with war materials, but he can no longer proceed in an arbitrary manner. His action must be taken in accordance with definite rules and he must give due notice of his intentions. He is no longer permitted to give his rights an arbitrary and irrational extension. This branch of the science of international law has thus been provided with a definite basis upon which there may be constructed a system of rules and precedents which will normalize commercial intercourse in times of war. The conference was characterized by a most commendable spirit of compromise and the solutions which it developed are notable for their lucidity and practical character.

A most important suggestion was made by the American department of state in a circular note addressed to the powers, which was sent out towards the end of the year. The note suggested in substance that as the Hague conference had established a per-

manent tribunal in the court of appeals for prize cases, and as a large number of general arbitration treaties had been made; as moreover the purpose to establish a permanent court of arbitration had been definitely expressed at the Hague Conference and had been deferred only because unanimity could not be reached as to the composition of the court; it was therefore both in accordance with the expressed will of the nations and with the institutions and conventions already created that the court of appeals in prize cases might by a special agreement between the nations be constituted a general court of international arbitration. Should this suggestion be accepted by the powers, a great step in advance would be taken in the matter of assuring the regularity of international relations; the simplicity of the solution ought certainly to recommend the plan to the powers.

OTHER INTERNATIONAL CONFERENCES

Numerous other international conferences took place in the year 1909, in many of which states were represented by their official delegates. It would lead too far to attempt an account in this place of the action of these various international unions of public and semi-public character. Some of the more important meetings, however, will be reviewed in order to give an idea of the scope of these international activities.

A conference took place in October at Paris at which delegates from eighteen countries were represented, for the purpose of elaborating an international code of regulations for motor cars. The convention adopted deals with conditions to be fulfilled by automobiles and by their drivers, the granting and recognition of international road certificates, the identification of cars, warning signals, and the position of sign posts on the public roads. This convention is a good example of the character of those common interests which can be effectively dealt with only upon an international basis. An international conference on maritime law convened at Brussels on September 30. It considered and prepared a draft convention upon the subject of collisions at sea and salvage.—A conference representing twenty-four govern-

ments met at London in November for the purpose of preparing a map of the world upon a uniform system with a scale of sixteen miles to the inch. The program of the conference had been adopted by the International Geographical Congress in Geneva in 1908. The conference considered only technical questions of map-making.

The international opium commission met at Shanghai in January, 1909. The countries represented were the United States, Great Britain, Germany, France, Russia, Turkey, China, Japan, The Netherlands, Portugal, Siam, and Persia. Bishop Brent of the American delegation was elected president of the commission. The commission received reports upon the use of opium and the control of opium culture and smoking in the various countries represented. The commission did not propose any treaty arrangements, but its final resolution adopted February 26 contain the following suggestions: That it is the duty of all countries to adopt reasonable measures to prevent the departure of shipments of opium to any country which prohibits its entry; that drastic measures should be taken by each government in its own territories to control the manufacture, sale, and distribution of the drug; that all governments possessing settlements in China shall take effective action toward the closing of opium divans in the said settlements.